



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

IN THE MATTER OF THE PETITION)
CONCERNING THE APPLICABILITY)
OF THE ONE-CALL DAMAGE) Docket No. GO02100732
PREVENTION SYSTEM TO THE NEW)
JERSEY PROPANE GAS INDUSTRY)

(SERVICE LIST ATTACHED)

A verified petition for a declaratory ruling pursuant to N.J.S.A. 52:14B-8, was filed by the New Jersey Propane Gas Association ("NJPGA" or "Petitioner") on October 3, 2002. According to its petition, the NJPGA is a non-profit organization representing retail propane companies in the State. Supplemental papers in support of the petition were filed on December 17, 2002, and a letter brief and supporting certifications were filed with the Board on January 13, 2003.

By its petition, the NJPGA seeks a declaration that: 1) the One-Call Damage Prevention System, established pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., does not apply to the propane industry; and 2) if it does apply, that the Board adopt measures in connection with its administration of the One-Call system to provide operators with tickets based on site-specific locations, including block and lot numbers.

By letter dated March 4, 2003, the Board's Secretary forwarded the petition and other submissions to New Jersey One-Call, which has been designated by the Board to operate the One-Call Damage Prevention System. New Jersey One-Call was asked to submit a written response within twenty days of service of the petition.

N.J.S.A. 52:14B-8 provides that "an agency upon the request of any interested person may in its discretion make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by that agency. A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged. Full opportunity for hearing shall be afforded to the interested parties." N.J.S.A. 52:14B-8.

Consistent with N.J.S.A. 52:14B-8, as the presiding Commissioner in this matter and in order to ensure that interested parties have notice and an opportunity to be heard with regard to the requested declaratory ruling, I **HEREBY DIRECT** petitioner NJPGA to:

1. publish notice of its petition, as well as a pre-hearing conference to be held on May 16, 2003 at 10:00 AM, at the Board's hearing room, Two Gateway Center, Newark, NJ in three newspaper of general circulation in the State of New Jersey; and
2. submit such notice to the Board's Secretary Kristi Izzo, for posting on the Board's website; and
3. for each municipality and county in which propane tanks are located, mail notice of the petition to the municipality, the Clerk of the Board of Chosen Freeholders of the county, and where appropriate, the executive officer of the county;
4. Said notice shall instruct interested parties to submit written comments to the Secretary of the Board, Kristi Izzo at the Board of Public Utilities, 2 Gateway Center, Newark, New Jersey 07101 within thirty days of publication of said notice.
5. Said notice shall set a pre-hearing conference date, on a mutually agreed time between the Board and petitioner, NJPGA, allowing adequate time, no more than 20 days from the closing of the deadline for the receipt of comments described in paragraph 4 above.
6. A public hearing shall be held on June 26, and June 27, 2003 at the State Board of Public Utilities, Two Gateway Center, Newark, NJ 07102 in the Board Room on the eighth floor at 9:00AM.

A proposed form of notice shall be submitted for review by Board Staff and Deputy Attorney General Tirza Wahrman prior to its publication, posting and mailing. Costs of publication and mailing shall be borne by the petitioner. I further **DIRECT** that anyone interested in this matter shall file with the Board's Secretary and provide copies to the petitioner and New Jersey One-Call a written notification of their interest in this matter, including written comments on the petition, by May 30, 2003, and that this requirement shall be included by petitioner in the notice of this matter.

DATED: **4/10/03**
UTILITIES

BOARD OF PUBLIC

BY:

(SIGNED)

JACK ALTER
COMMISSIONER

cc: Jeanne M. Fox, President
Frederick F. Butler, Commissioner
Carol J. Murphy, Commissioner
Connie O. Hughes, Commissioner

